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EXAMINER
DEMICCO, MATTHEW R

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/412,792	CONNELLY, JAY H.
	Examiner	Art Unit
	Matthew R Demicco	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 February 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,3-15 and 18-30_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1, 3-15 and 18-30_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 2/5/04. Claims 1, 3-15 and 18-30 are

pending. Claims 2, 16 and 17 are canceled. Claims 1, 10, 14, 18, 22 and 26 are amended.

Response to Arguments

2.   Applicant's arguments filed with respect to independent Claims 1, 10, 14, 18, 22 and 26

have been fully considered but they are not persuasive.

With respect to the arguments regarding the independent claims noted above, Applicant

has amended the claims to include an encoding format, "wherein the encoding format comprises

a content format used to encode the data prior to broadcasting." Applicant argues that the prior

art fails to disclose the claimed encoding format/content format, which may include, inter alia,

MPEG2 and ATVEF standards. The Examiner points out that Applicant's arguments are directed

towards the disclosure of the instant application and not the claim language as presented. The

claimed "encoding format" and "content format" are general terms, which could encompass a

greater variety of data transport formats than the few listed by Applicant.

Ozkan discloses a receiver system that receives a digital bit-stream including program

guide information (See Abstract) wherein program channels are transmitted using variable

broadcast encoding formats (Col. 2, Lines 15-16) and the program guide includes a channel map

which associates a channel with an encoding format (Col. 2, Lines 40-43). Further, Ozkan

discloses adaptively receiving the variable broadcast encoding formats to tailor broadcasts for

certain environments (Col. 3, Lines 23-39). Ozkan also discloses that the encoding format may

be MPEG or other coding formats or modulations that are non-MPEG compatible (Col. 3, Lines

40-49). The channel map comprises programming and different broadcast encoding formats,

which may be variable in the number and frequency allocation, signal coding type, differential

coding and modulation format (Col. 7, Lines 14-24). This use of different encoding formats

including different signal coding types (e.g. trellis or non-trellis coded) and different modulation

types (e.g. 64 or 256 QAM) read on the claimed content format used to encode the data prior to

broadcasting.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 3-7, 9-15, 18-21 and 26-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,172,677 to Stautner et al in view of U.S. Patent No.

5,946,052 to Ozkan et al. and further in view of U.S. Patent No. 6,268,849 to Boyer et al.

Regarding Claims 1 and 6, Stautner discloses a method whereby scheduling

information (Col. 4, Lines 14-18) and audio/video data are transmitted to a receiver that

can identify and execute an application capable of processing the data (Col 3, Lines 40-

56 and Col 5, Lines 44-46). The viewer application, as stated by Stautner, may be a web

page, chat session, or a game, for example. Figure 1 clearly demonstrates the scheduling

of content at given times for specific durations, and the data is retrieved and stored or

executed at the specified time (Col 4, Lines 9-28). What is not disclosed, however, is that

the scheduling information sent to the receiver identifies an encoding format that the

viewer applications use when processing the broadcast of data at the scheduled time.

Ozkan discloses a terminal that receives program guide information including an

encoding format (See Figure 5 and Col. 10, Lines 14-63). Ozkan also discloses a channel

map that comprises programming and different broadcast encoding formats, which may

be variable in the number and frequency allocation, signal coding type, differential

coding and modulation format (Col. 7, Lines 14-24). This use of different encoding

formats including different signal coding types (e.g. trellis or non-trellis coded) and

different modulation types (e.g. 64 or 256 QAM) read on the claimed content format used

to encode the data prior to broadcasting. Ozkan is evidence that ordinary workers in the

art would recognize the benefit of embedded encoding format data within electronic

program guide scheduling information in order to identify various decoding programs for

the decoding and playback of broadcast data. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to combine the

method of Stautner with the embedded encoding format information of Ozkan in order

for a user's terminal to identify what broadcast data it is capable of receiving and

decoding using one or more viewer applications. What Stautner in view of Ozkan does

not disclose, however, is selecting one viewer application capable of processing a

broadcast of data in the encoding format at the scheduled time from a plurality of viewer

applications. Boyer discloses a television program guide method (See Figure 9) that has a

plurality of viewer applications (plug-ins) capable of processing a broadcast of data in a

specific encoding format (Col. 6, Lines 11-22). It is inherent in such a system that one of

these decoder applications must be selected to decode the broadcast data. Boyer is

evidence that ordinary workers in the art would recognize the benefits of using multiple

decoder applications in an electronic program guide. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

further modify the method of Stautner in view of Ozkan with the selection of one of a

plurality of viewer applications of Boyer in order to provide support for many different

types and formats of broadcast data.

Regarding claims 3-5, Stautner discloses a method wherein the content provider

of the information is identified (See Figure 5). As demonstrated in Figure 2, this method

identifies the channel that data will be broadcast and received on. Data is retrieved and

stored or executed at the specified time as stated above. The method of Stautner identifies

many different channels of communication, including wireless, cable, and satellite

transmissions (Col 1, Lines 51-57).

Regarding claim 7, Stautner discloses a method by which a locally stored

database of broadcast information is updated frequently (Col 4, Lines 9-14). As shown in

Figure 1, once the information is received, it is presented to the user who may select a

channel to view, and the content specified will start a the predetermined time as shown.

Regarding claim 9, Stautner discloses a method in which multiple channels of

information are presented to the user as shown in Figure 2. Multiple sources of data

corresponding to multiple viewer applications at different times are shown.

Regarding claims 10-13, Stautner discloses a system whereby scheduling

information (Col. 4, Lines 14-18) and audio/video data are transmitted to a receiver that

can identify and execute an application that processes the data (Col 3, Lines 40-56 and

Col 5, Lines 44-46). The viewer application, as stated by Stautner, may be a web page,

chat session, or a game, for example. Figure 1 clearly demonstrates the scheduling of

content at given times for specific durations, and the data is retrieved and stored or

executed at the specified time (Col 4, Lines 9-28). Additionally, Figure 1 identifies the

channel that data will be broadcast on. The method of Stautner identifies the content

provider of the information (See Figure 5). What is not disclosed, however, is that the

scheduling information sent to the receiver identifies an encoding format that the viewer

applications use when processing the broadcast of data at the scheduled time. Ozkan

discloses a terminal that receives program guide information including an encoding

format (See Figure 5 and Col. 10, Lines 14-63). Ozkan also discloses a channel map that

comprises programming and different broadcast encoding formats, which may be

variable in the number and frequency allocation, signal coding type, differential coding

and modulation format (Col. 7, Lines 14-24). This use of different encoding formats

including different signal coding types (e.g. trellis or non-trellis coded) and different

modulation types (e.g. 64 or 256 QAM) read on the claimed content format used to

encode the data prior to broadcasting. Ozkan is evidence that ordinary workers in the art

would recognize the benefit of embedded encoding format data within electronic program

guide scheduling information in order to identify various decoding programs for the

decoding and playback of broadcast data. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to combine the method

of Stautner with the embedded encoding format information of Ozkan in order for a

user's terminal to identify what broadcast data it is capable of receiving and decoding

using one or more viewer applications. What Stautner in view of Ozkan does not

disclose, however, is one viewer application capable of processing a broadcast of data in

the encoding format at the scheduled time, selected from a plurality of viewer

applications. Boyer discloses a television program guide system (See Figure 9) that has a

plurality of viewer applications (plug-ins) capable of processing a broadcast of data in a

specific encoding format (Col. 6, Lines 11-22). It is inherent in such a system that one of

these decoder applications must be selected to process the received broadcast data. Boyer

is evidence that ordinary workers in the art would recognize the benefits of using multiple

decoder applications in an electronic program guide. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

further modify the method of Stautner in view of Ozkan with the selection of one of a

plurality of viewer applications of Boyer in order to provide support for many different

types and formats of broadcast data.

Regarding claims 14 and 15, Stautner discloses a method of processing data

whereby scheduling information containing broadcast times (Col. 4, Lines 14-18) and

audio/video data are transmitted to a receiver that can identify and execute an application

that processes the data (Col 3, Lines 40-56 and Col 5, Lines 44-46). The scheduling data

is stored in a local database table which has entries indexed by broadcast times and

channels as demonstrated by Figure 1. Based on the information in this scheduling table,

specific viewer applications such as chat sessions or web pages may be selected as shown

in Figure 2. What is not disclosed, however, is that the scheduling information sent to the

receiver identifies an encoding format that the viewer applications use when processing

the broadcast of data at the scheduled time. Ozkan discloses a terminal that receives

program guide information including an encoding format (See Figure 5 and Col. 10,

Lines 14-63). Ozkan also discloses a channel map that comprises programming and

different broadcast encoding formats, which may be variable in the number and

frequency allocation, signal coding type, differential coding and modulation format (Col.

7, Lines 14-24). This use of different encoding formats including different signal coding

types (e.g. trellis or non-trellis coded) and different modulation types (e.g. 64 or 256

QAM) read on the claimed content format used to encode the data prior to broadcasting.

Ozkan is evidence that ordinary workers in the art would recognize the benefit of

embedded encoding format data within electronic program guide scheduling information

in order to identify various decoding programs for the decoding and playback of

broadcast data. Therefore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to combine the method of Stautner with the

embedded encoding format information of Ozkan in order for a user's terminal to identify

what broadcast data it is capable of receiving and decoding using one or more viewer

applications. What Stautner in view of Ozkan do not disclose, however, is receiving

scheduling information that identifies a viewer application, selected from a plurality of

viewer applications for processing the broadcast. Boyer discloses a television program

guide method (See Figure 9) that has a plurality of viewer applications (plug-ins) capable

of processing a broadcast of data in a specific encoding format (Col. 6, Lines 11-22). It is

inherent in such a system that one of these decoder applications must be selected to

decode the broadcast data. The encoding information of Ozkan is inherently linked to the

viewer application used to decode it such as those disclosed by Boyer. This reads on the

claimed receiving scheduling information that identifies an encoding format and a viewer

application. Boyer is evidence that ordinary workers in the art would recognize the

benefits of using multiple decoder applications in an electronic program guide. Therefore,

it would have been obvious to one having ordinary skill in the art at the time the

invention was made to further modify the method of Stautner in view of Ozkan with the

selection of one of a plurality of viewer applications of Boyer in order to provide support

for many different types and formats of broadcast data.

Regarding claims 18-19, Stautner discloses a system for receiving data broadcasts

with an interface as shown in Figure 2. The system of Stautner may contain a data storage

device on which viewer applications may reside (Col. 5, Lines 44-46). The device also

contains a processor that is used to execute the specified viewer application (Col 1, Lines

36-51). The system of Stautner is based on a personal computer (Col. 1, Lines 36-41),

which is understood in the art to execute a code-base (operating system) from a local

storage device. What is not disclosed however is that the system receives broadcasts of

data in an encoding format and that the encoding format is used to select and execute a

viewer application. Ozkan discloses a terminal that receives program guide information

including an encoding format (See Figure 5 and Col. 10, Lines 14-63). This encoding

format information is used to decode the broadcast data (Col. 11, Lines 6-18). Ozkan also

discloses a channel map that comprises programming and different broadcast encoding

formats, which may be variable in the number and frequency allocation, signal coding

type, differential coding and modulation format (Col. 7, Lines 14-24). This use of

different encoding formats including different signal coding types (e.g. trellis or non-

trellis coded) and different modulation types (e.g. 64 or 256 QAM) read on the claimed

content format used to encode the data prior to broadcasting. Ozkan is evidence that

ordinary workers in the art would recognize the benefit of using embedded encoding

format data within electronic program guide scheduling information to identify various

decoding programs for the decoding and playback of broadcast data. Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was

made to combine the system of Stautner with the embedded encoding format information

of Ozkan in order for a user's terminal to identify what broadcast data it is capable of

receiving and decoding using one or more viewer applications. What Stautner in view of

Ozkan do not disclose, however, is selecting and executing one viewer application from

plurality of viewer applications based on scheduling information and encoding format of

the broadcasts. Boyer discloses a television program guide method (See Figure 9) that has

a plurality of viewer applications (plug-ins) capable of processing a broadcast of data in a

specific encoding format (Col. 6, Lines 11-22). It is inherent in such a system that one of

these decoder applications must be selected to decode the broadcast data based on the

encoding format of the broadcast. Further, since the encoding data is embedded in the

scheduling information as stated by Ozkan, the processor must select and execute the

application based on the scheduling data and encoding format as claimed. Boyer is

evidence that ordinary workers in the art would recognize the benefits of using multiple

decoder applications in an electronic program guide. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

further modify the method of Stautner in view of Ozkan with the selection of one of a

plurality of viewer applications of Boyer in order to provide support for many different

types and formats of broadcast data.

Regarding claims 20-21, Stautner discloses a content guide, the underlying

control program (operating system), which is a software application (Col. 3, Lines 40-

50). The storage device above stores the underlying control application for receiving new

scheduling information as well as updates to the database and viewer applications (Col. 4,

Lines 9-14). It is well known in the art that the underlying control application, or

operating system, is responsible for handling all spawned child processes. Therefore, the

interface of Stautner running on a personal computer is the operating system or parent

process, and this operating system forks off helper applications to decode data based on

information from the scheduling table as indicated above. In a personal computer, such as

the one stated above, the operating system maintains a table of all available viewer

applications, often referred to as coder/decoders (CODECs) as disclosed by Boyer (Col.

6, Lines 11-22). Therefore, the control application must query a table of viewer

applications in order to select and execute the proper viewer for the broadcast data's

encoding format.

Regarding claim 26 and 28, Stautner discloses a device that stores and executes

instructions (Col. 5, Lines 43-46). One function of the code the computer executes is that

of a user interface that receives scheduling information for various content formats

including video, audio, games, and applications (See Figure 2), and broadcast data at the

scheduled time. The received data is processed with a specific viewer application once it

is received and displayed to the user (Cols. 3-4, Lines 40-8). The viewer application can

decode the received data from a plurality of sources and data types (Col. 1, Lines 45-51).

What is not disclosed however is that the system receives broadcasts of data in an

encoding format and that the encoding format is used to select and execute a viewer

application. Ozkan discloses a terminal that receives program guide information

including an encoding format (See Figure 5 and Col. 10, Lines 14-63). This encoding

format information is used to decode the broadcast data (Col. 11, Lines 6-18). Ozkan also

discloses a channel map that comprises programming and different broadcast encoding

formats, which may be variable in the number and frequency allocation, signal coding

type, differential coding and modulation format (Col. 7, Lines 14-24). This use of

different encoding formats including different signal coding types (e.g. trellis or non-

trellis coded) and different modulation types (e.g. 64 or 256 QAM) read on the claimed

content format used to encode the data prior to broadcasting. Ozkan is evidence that

ordinary workers in the art would recognize the benefit of using embedded encoding

format data within electronic program guide scheduling information to identify various

decoding programs for the decoding and playback of broadcast data. Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was

made to combine the system of Stautner with the embedded encoding format information

of Ozkan in order for a user's terminal to identify what broadcast data it is capable of

receiving and decoding using one or more viewer applications. What Stautner in view of

Ozkan do not disclose, however, is the selection of one viewer application from a

plurality of viewer applications. Boyer discloses a television program guide method (See

Figure 9) that has a plurality of viewer applications (plug-ins) capable of processing a

broadcast of data in a specific encoding format (Col. 6, Lines 11-22). It is inherent in

such a system that one of these decoder applications must be selected to decode the

broadcast data. Boyer is evidence that ordinary workers in the art would recognize the

benefits of using multiple decoder applications in an electronic program guide. Therefore,

it would have been obvious to one having ordinary skill in the art at the time the

invention was made to further modify the method of Stautner in view of Ozkan with the

selection of one of a plurality of viewer applications of Boyer in order to provide support

for many different types and formats of broadcast data.

Regarding claim 27, Stautner discloses a device that receives scheduling

information that identifies the channels on which data will be broadcast (See Figure 1).

Regarding claim 29, Stautner discloses a device that that executes code on a

computer to retrieve and display scheduling information as shown in Figure 1. This

information may be stored in a database table on a local storage device (Col. 4, Lines 9-

12). Entries are indexed by broadcast times as shown in Figure 1.). The interface,

running on a personal computer is the operating system that executes helper applications

to decode data based on information from the scheduling table as indicated above. In a

personal computer, such as the one stated above, the operating system maintains a table

of all available viewer applications, or CODECs. Therefore, in the system of Stautner

(See Figure 2), when a user clicks on an icon, the control application must query a table

of viewer applications in order to select and execute the proper viewing application.

Regarding claim 30, Stautner discloses a device that selects a viewer application

from a table as shown above. This table lists viewer applications supported by the system.

5.   Claims 22-25 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

5,659,350 to Hendricks et al. in view of Ozkan et al. and further in view of Boyer et al.

Regarding claim 22, Hendricks discloses a computer with data storage (See

Figure 4) that can gather a variety of program signals for broadcasting and encode them

efficiently for available bandwidth (Col. 3, Lines 31-42). This computer executes code

that sends information to a receiver that includes the scheduled time (See Figure 21) and

content format (See Figure 18) of the data broadcast, and additionally broadcasts the data

(See Figure 1). The receiver has a plurality of inputs (Col. 10, Lines 43-45) and one or

more viewer applications (Col. 14, Lines 62-65). What is not disclosed, however, is that

the scheduling information sent to the receiver identifies an encoding format that the

viewer applications use when processing the broadcast of data at the scheduled time.

Ozkan discloses a terminal that receives program guide information including an

encoding format (See Figure 5 and Col. 10, Lines 14-63). Ozkan also discloses a channel

map that comprises programming and different broadcast encoding formats, which may

be variable in the number and frequency allocation, signal coding type, differential

coding and modulation format (Col. 7, Lines 14-24). This use of different encoding

formats including different signal coding types (e.g. trellis or non-trellis coded) and

different modulation types (e.g. 64 or 256 QAM) read on the claimed content format used to encode the data prior to broadcasting. Ozkan is evidence that ordinary workers in the art would recognize the benefit of embedded encoding format data within electronic program guide scheduling information in order to identify various decoding applications for the decoding and playback of broadcast data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Device of Hendricks with the embedded encoding format information of Ozkan in order for a user's terminal to identify what broadcast data it is capable of receiving and decoding using one or more viewer applications. What Hendricks in view of Ozkan do not disclose, however, is the encoding formation being indicative of one viewer application capable of processing a broadcast of data in the encoding format selected from a plurality of viewer applications. Boyer discloses a television program guide method (See Figure 9) that has a plurality of viewer applications (plug-ins) capable of processing a broadcast of data in a specific encoding format (Col. 6, Lines 11-22). It is inherent in such a system that one of these decoder applications must be selected to decode the broadcast data. Boyer is evidence that ordinary workers in the art would recognize the benefits of using multiple decoder applications in an electronic program guide. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method of Hendricks in view of Ozkan with the selection of one of a plurality of viewer applications of Boyer in order to provide support for many different types and formats of broadcast data.

Regarding claim 23, the system of Hendricks can deliver to the receiving unit the

content provider (See Figure 17), a viewer age and scheduled broadcast channel (See

Figure 16).

Regarding claim 24, the system of Hendricks runs software instructions that

facilitate the broadcasting of data to the receiving terminal (Col. 6, Lines 11-19) at a

scheduled time as shown above.

Regarding claim 25, the system of Hendricks broadcasts information about

multiple scheduled times and content formats simultaneously as illustrated by Figure 6b.

Additionally, the receiving terminal is equipped to handle multiple broadcasts of viewer

data simultaneously using multiple decompression applications (Col. 11, Lines 40-46)

when sent by the broadcasting system. The viewer application may be selected from a

plurality of viewer applications as disclosed by Boyer.

6.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. in

view of Ozkan et al. and further in view of Boyer, further in view of the Advanced Television

Enhancement Forum Specification (ATVEF).

Regarding Claim 8, Stautner in view of Ozkan and further in view of Boyer

disclose a method of broadcasting and receiving scheduling data and video using header

and payload information as stated above. Neither Stautner, Ozkan, nor Boyer disclose the

use of the ATVEF format for transmitting data. The Advanced Television Enhancement

Forum Specification (ATVEF) outlines the implementation and use of the ATVEF format

for distributing video content in conjunction with other multimedia-rich hypertext data.

The ATVEF Specification is evidence that ordinary workers in the art would recognize

the benefit of utilizing the ATVEF format to transport and display real-time video content

in conjunction with other hypertext multimedia. Therefore, it would have been obvious to

ordinary workers in the art to combine the user interactive video transmission and

receiving system of Stautner in view of Ozkan and further in view of Boyer with the

ATVEF format of the ATVEF Specification in order to facilitate transporting and

embedding video within a hypertext linked multimedia display and vice versa to insure

compatibility with a wide range of devices using a well known standard (ATVEF).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155.

The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrd

April 14, 2004

VIVEK SRIVASTAVA
PRIMARY EXAMINER